

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 795 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MANGUBEN BHURABHAI

Versus

KADI NAGAR PALIKA

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Appearance:

MR MANISH RAWAL for Petitioners

None present for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/03/98

ORAL JUDGMENT

Heard the learned counsel for the petitioners and perused the Special Civil Application.

2. The petitioners who are belonging to backward class, i.e. Bhangi community and working since last more than 15 years as Badli Safai Kamdars with the respondent-Nagar Palika, filed this Special Civil

Application and prayer has been made for directions to the respondents to confirm them as Sanitary Sweepers.

3. The respondents have not filed reply to the Special Civil Application. It is a case of petitioners that thirty posts of Sanitary Sweepers are lying vacant in the office of the respondents and though the petitioners are working for the last more than 15 years as Badli Safai Kamdars, their claim for appointment on these posts has not been considered. Grievance made in this Special Civil Application by the petitioners prima-facie cannot be said to be without any basis or substance. The respondents have chosen even not to file reply to the Special Civil Application. Another aspect which needs to be noticed is that even the learned counsel for the petitioners is not in a position to say whether still the petitioners are continued as Badli Safai Kamdars or not.

4. Be that as it may, interest of justice will be met in case this Special Civil Application is disposed of in terms that the respondents may consider the claim of the petitioners for giving them regular appointments as Sanitary Sweepers, within a period of two months from the date of receipt of copy of this order, and in case the claim of the petitioners is accepted, the petitioners should be given all consequential benefits following therefrom within a period of two months next. In case the claim of the petitioners is not acceptable, a reasoned order may be passed and a copy of the same may be sent to the petitioners by registered post A.D. In case of difficulty, liberty is granted to the petitioners for revival of this Special Civil Application. However, in the meanwhile, during the pendency of this Special Civil Application, in case the petitioners have already been appointed and confirmed on the post of Sanitary Sweepers, the above exercise is not required to be undergone and in that eventuality this Special Civil Application shall stand dismissed and Rule shall stand discharged automatically.

5. The Special Civil Application and Rule stands disposed of accordingly with no order as to costs.

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(sunil)